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Andrew Thomas Busey

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GREENBERG TRAURIG, LLP (SV)

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TRAN, PHILIP B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,416	Applicant(s) BUSEY, ANDREW THOMAS	
	Examiner Philip B. Tran	Art Unit 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Notice to Applicant

1. This communication is in response to Amendment filed 05 November 2008. Claims 1, 11, 13, 23 and 25 have been amended. Claims 37-40 have been newly added. Therefore, claims 1-40 are pending for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Johns et al (Hereafter, Johns), U.S. Pat. Application Pub. No. US 2005/0097173 A1.

Regarding claim 1, Johns teaches a method performed by at least one information handling system, the method comprising:

on a display device, displaying an excerpt of XML-formatted information (XML-based scheme) [see Paragraph 0049] about one or more websites and displaying a list of folders (i.e., going to web browser window and going to the photo sharing website and creating or selecting folders (albums) containing

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digital images with links) [see Paragraphs 0002 & 0005 & 0029-0030], the list of folders are accessible from a database on a remote server and selected from a group consisting of public and group folders (i.e., for group type of folder, the owner of the folder decides to invite 1 or many individuals to subscribe to the folder and for public type of folder, the owner of the folder (album) has decided that anyone can view the folder) [see Paragraphs 0030-0032];

in response to a command from a first user, saving the displayed excerpt of the XML-formatted information in a folder that is selected by the first user from among the displayed list of folders user (i.e., digital images are stored in folders on data base of the service provider wherein folders are created by a first user) [see Paragraphs 0011 & 0015 & 0017 & 0021 & 0029-0030]; and

in response to a command from the first user, selectively enabling access to the selected folder by one or more users specified by the first user (i.e., the creator of a folder can invite other people to 'subscribe' to the folder) [see Paragraphs 0031-0033].

Regarding claim 2, Johns further teaches the method of claim 1, wherein the one or more second users is a single second user preselected by the first user (individual) [see Paragraphs 0031-0033].

Regarding claim 3, Johns further teaches the method of claim 1, wherein the one or more second users is a group of second users preselected by the first user (group) [see Paragraphs 0031-0033].

Regarding claims 4-5, Johns further teaches the method of claim 1, wherein selectively enabling access comprises in response to a command from the first user before and after saving the displayed excerpt, selectively enabling access to the selected folder by one or more second users specified by the first user [see Paragraphs 0031-0033].

Regarding claims 6-9, Johns further teaches the method of claim 1, and comprising associating other information with the saved excerpt in the folder, so that access to the saved excerpt includes access to the other information, wherein the other information has a non-XML format (video, audio), wherein the other information is a human-readable text message (text messaging), and wherein the other information is a hyperlink to a website (links and sites) [see Paragraphs 0002 & 0005 & 0032 & 0037-0039].

Regarding claims 10-12, Johns further teaches the method of claim 1, wherein saving the displayed excerpt comprises saving the displayed excerpt of the XML-formatted information in an XML format, and in a non-XML format wherein the non-XML format is an HTML format [see Paragraphs 0005 & 0049].

Claims 13-24 are rejected under the same rationale set forth above to claims 1-12.

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Claims 25-36 are rejected under the same rationale set forth above to claims 1-12.

Claim 37 is rejected under the same rationale set forth above to claim 1.

Regarding claim 38, Johns further teaches the method of claim 37, further comprising, in response to a search term query, providing search results of a list of public folders with information about one or more websites comprising the queried search term [see Paragraphs 0013 & 0015 & 0032 & 0050 & 0055-0056].

Regarding claim 39, Johns further teaches the method of claim 37, wherein the selectively enabling access to the selected folder by one or more second users is provided even if the first user is disconnected from the server. It is inherent and common sense that the first user (creator of the folder) can invite other people to 'subscribe' to the folder on the server [see Paragraphs 0031-0033] and the second users can access to the permitted folder even if the first user is disconnected from the server (regardless of whether the first user is online).

Claim 40 is rejected under the same rationale set forth above to claim 39.

Other References Cited

4. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

- A) Nagy et al, U.S. Pat. No. 6,820,083.
- B) Giljium et al, U.S. Pat. No. 6,745,238.
- C) Daniell, U.S. Pat. Application Pub. No. US 2005/0080863 A1.

Response to Arguments

5. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2455
Feb 11, 2009